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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,642	02/29/2000	Ryan Alan Danner	95-411	2084
23164	7590	12/19/2003	EXAMINER	
LEON R TURKEVICH 2000 M STREET NW 7TH FLOOR WASHINGTON, DC 200363307			VAUGHN, GREGORY J	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 12/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/514,642

Applicant(s)

DANNER ET AL.

Examiner

Gregory J. Vaughn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 11-15, 25-27 and 38-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16-24 and 28-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 & 4. 6) ☐ Other:

DETAILED ACTION

Application History

1. This action is responsive to the applicant restriction election for Group I (claims 1-10, 16-24 and 28-37), filed on 10/24/2003.
2. Original application filed on 2/29/2000.
3. Applicant submits Information Disclosure Statement, filed on 6/9/2000.
4. Applicant submits Preliminary Amendment, filed on 3/16/2001.
5. Applicant submits Information Disclosure Statement, filed on 3/16/2001.
6. Claims 1-10, 16-24 and 28-37 are pending in the case, claims 1, 16 and 28 are independent claims. Claims 11-15, 25-27 and 38-42 are non-elected claims without traverse.

Election/Restrictions

7. Applicant's election of Group I (claims 1-10, 16-24 and 28-37) in Paper No. 8 filed 10/24/2003 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- 64 – recited on page 10, lines 13 and 18; page 12, lines 20 and 24; page 13, lines 1, 8 and 11; page 14, line 19
- 66 – recited on page 10, line 18
- 86 – recited on page 14, line 4

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- 64a – Figure 2
- 64b – Figure 2
- 66a – Figure 2
- 66b – Figure 2
- 82b – Figure 4B
- 86a – Figure 4B
- 86b – Figure 4B

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

10. The disclosure is objected to because of the following informalities:

- Disclosure recites “*runtime environment 22*” (page 13, line 11), where “22” in Figure 1 is directed towards “*Web Server*”,
- Disclosure recites “*log file 72*” (page 13, line 20), where “72” in Figure 4B is directed towards “*log file tag*”,
- Disclosure recites “*log entry 80*” (page 13, lines 21-22 and line 23), where “80” in Figure 3 is directed toward a step in the method,
- Disclosure recites “*relevance tag 82*” (page 13, line 22 and page 14, line 8), where “82” in Figure 3 is directed toward a step in the method.

Appropriate correction is required.

11. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code “*http:www.php.net*” (page 9, line 4). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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"The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."

13. Claims 10 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 10, the claim recites the limitation "*the first XML tag*" in first sentence of the claim. There is insufficient antecedent basis for this limitation in the claim.

In regard to claim 37, the claim recites the limitation "*the first XML tag*" in first sentence of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

15. Claims 1-3, 16, 17, 22, 23 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ladd et al. US Patent 6,269,336 (filed 10/2/1998, patented 7/31/2001).

16. **In regard to independent claim 1**, the preamble of the claim is directed toward a voice application. Ladd recites: *"The electronic network 104 retrieves information from the information source 106 based upon speech commands or DTMF tones from the user"* (column 2, lines 61-64)

The first limitation of the claim is directed toward storing an XML document with an application control parameter. Ladd recites: *"The markup language preferably includes text, recorded sound samples, navigational controls, and input controls for voice applications"* (column 15, lines 62-64).

The second limitation of the claim is directed toward parsing the XML control document. Ladd recites: *"The voice browser then parses and interprets the information as further described below"* (column 11, lines 46-47) and *"Fig. 4, a block diagram of the voice browser 250"* (column 11, lines 64-65). Also, see Fig. 4, where a "Parser" is shown at reference sign 302.

17. **In regard to dependent claim 2**, the claim is dependent upon claim 1 and is directed toward an XML document with an XML tag that specifies service location information. Ladd recites: *"The markup language enables system designers or developers of service or content providers to create application programs for*

instructing the voice browser to provide a desired user interactive voice service”
(column 15, line 65 to column 16, line 1).

18. **In regard to dependent claim 3**, the claim is dependent upon claim 2 and is directed toward a second XML tag that specifies service location information for a second service provider. Ladd discloses the use of multiple service providers. Ladd recites: *“The markup language can include elements that describe the structure of a document or page, provide pronunciation of words and phrases, and place markers in the text to control interactive voice services”* (column 16, lines 11-15).
19. **In regard to claims 16 and 17**, the claims are directed toward a system, and contain substantially the same subject matter as the method of claim 1, and are rejected with the same rational. Claims 16 and 17 include limitations not specified in claim 1, including; a computer based system with a storage medium (claim 16) and an application server (claim 17). In regard to a computer based system, Ladd recites *“The network access apparatus can have a variety of forms, including but not limited to, a telephone, a mobile phone, ... a general purpose computer”* (column 3, lines 46-51). In regard to a storage medium, Ladd recites: *“The information is preferably stored in a database or storage device”* (column 2, lines 64-65). Ladd discloses an application server in Fig. 3, reference sign 242.
20. **In regard to claims 22 and 23**, the claims contain substantially the same subject matter as claims 2 and 3 respectively, and are rejected with the same rational.

21. In regard to claims 28, 29 and 30, the claims contain substantially the same subject matter as claims 1, 2 and 3 respectively, and are rejected with the same rational.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

23. Claims 4, 5, 24, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd.

24. In regard to dependent claim 4, the claim is dependent upon claim 3 and is directed toward the prescribed services being IMAP (Internet Message Access Protocol) and LDAP (Lightweight Directory Access Protocol) services. Ladd disclose the use of Internet protocols for message and directory access. Ladd recites: *"The information source 106 can be identified by an electronic address using at least a portion of a URL (Uniform Resource Locator), a URN (Uniform Resource Name), an IP (Internet Protocol) address, an electronic mail address, a device address (i.e. a pager number), a direct point to point connection, a memory address, etc. It is noted that a URL can include: a protocol, a domain name, a path, and a filename. URL*

protocols include: "file:" for accessing a file stored on a local storage medium; "ftp:" for accessing a file from an FTP (file transfer protocol) server; "http:" for accessing an HTML (hypertext marking language) document; "gopher:" for accessing a Gopher server; "mailto:" for sending an e-mail message; "news:" for linking to a Usenet newsgroup; "telnet:" for opening a telnet session; and "wais:" for accessing a WAIS server" (column 3, lines 7-24). Although Ladd discloses the use of Internet protocols for message and directory access, Ladd fails to explicitly name IMAP and LDAP services directly.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to call the Internet protocols for message and directory access of Ladd IMAP and LDAP respectively, because *"The system 100 enables users to access information from any location in the world via any suitable network access device"* (Ladd, column 2, lines 40-42).

25. **In regard to dependent claim 5**, the claim is dependent upon claim 1 and is directed toward a second voice application. Ladd discloses: *"The call control unit 236 of the communication node 212 is preferably connected to the LAN 240. The call control unit 236 sets up the telephone switch 230 to connect incoming calls to the VRU client 232. The call control unit also sets up incoming calls"* (column 8, lines 35-39). Ladd discloses the "control unit" handling multiple "calls" (compare "calls" with "voice applications"). Ladd fails to explicitly mention the control of a second voice application, however, Ladd discloses a voice browser that manages multiple calls.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made for Ladd's voice browser to have managed a second voice application so that *"users can preferably access information from the information source 106 using voice inputs or commands"* (column 2, lines 48-49).

26. **In regard to dependent claims 24 and 31**, the claims contain substantially the same subject matter as claim 4, and are rejected with the same rational.

27. **In regard to dependent claim 32**, the claim contains substantially the same subject matter as claim 5, and is rejected with the same rational.

28. Claims 6, 7, 18, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd in view of Humpleman et al. US Patent 6,546,419 (filed 5/7/1999, patented 4/8/2003). *"Humpleman et al."* is hereafter referred to as *"Humpleman"*.

29. **In regard to independent claims 6 and 7**, the claims contain substantially the same subject matter as claims 1 and 5 combined, with the additional limitations of selectively parsing the XML control document for a first subscriber (claim 6), and selectively parsing the XML control document for a second subscriber (claim 7). Ladd discloses the parsing of the XML control document as described above. That it would have been obvious for Ladd's invention to manage multiple voice applications is also described above. Ladd fails to disclose the selective parsing of documents for first and second service subscribers. Humpleman discloses selective parsing of XML documents for control of network application for multiple subscribers. Humpleman

discloses multiple subscribers (shown as "*Clients*" at reference sign 12) requesting services in Fig. 3. Humpleman recites: "*An application interface language based on XML is used for control*" (column 12, lines 11-12), and "*a first Application A, designated as Service A, and a second Application B, designated as Service B, communicating over the network 10*" (column 12, lines 26-28) and "*Each of the devices A and B also includes an XML parser 74, comprising program code for parsing and validating XML*" (column 15, lines 53-55).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to enhance the voice browser of Ladd by adding the multiple application control of Humpleman in order to achieve the benefit of "*to provide the ability for various software applications to automatically command and control other various software applications*" (Humpleman, column 2, lines 45-48).

30. **In regard to dependent claim 18**, the claim contains substantially the same subject matter as claims 6 and 7 combined, and is rejected with the same rational.

31. **In regard to dependent claims 33 and 34**, the claims contain substantially the same subject matter as claims 6 and 7 respectively, and are rejected with the same rational.

32. Claims 8-10¹⁹⁻²¹ and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd in view of Serbinis et al. US Patent 6,584,466 (filed 4/7/1999, patented 6/24/2003). "*Serbinis et al.*" is hereafter referred to as "*Serbinis*".

33. In regard to dependent claims 8, 9 and 10, the claims are directed toward generating an XML application event log (claim 8), the structure of the log record having an element type, an attribute and data (claim 9), and the log element types being selected from a set of available log element types (claim 10). Ladd discloses a voice application as described above. Ladd fails to disclose an XML application event log. Serbinis discloses the generation of an XML application event log. Serbinis discloses a *"transaction information"* database table in Fig. 2 at reference sign 67. Serbinis further defines the transaction table with the following recitation: *"Transaction information tables 67 record data relating to each transaction occurring on the DMS system, and include: the identification of different transaction types; status information for each transaction; and billing information for each transaction type"* (column 7, lines 4-8) (compare *"log element type"* with *"transaction types"*; *"log element attribute"* with *"status information"*; and *"element data"* with *"billing information"*). Serbinis further discloses the output of the log in XML. Serbinis recites: *"The services interfaces also permit users to interact with DMS system 17 using client applications specific to the service to be performed. For example, a web browser may be used to make requests to DMS system 17 using HTTP over Secure Sockets Layers (SSL) protocol, ... and a response may be returned in Extensible Markup Language ("XML")"* (column 15, line 64 to column 16, line 3). Serbinis also discloses the use of a set of transaction types. Serbinis recite: *"The DMS system of the present invention preferably supports an extensible set of transaction types. A core set of transaction types is defined by the DMS system and each service*

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provided by the DMS system may define additional transaction types" (column 13, lines 21-24).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to add the log capabilities of Serbinis to the voice browser of Ladd in order to "*enable tracking of transactions performed on a document*" (Serbinis, column 2, lines 39-40).

34. **In regard to dependent claims 19-21**, the claims contain substantially the same subject matter as claims 8-10 respectively, and are rejected with the same rational.
35. **In regard to dependent claims 35-37**, the claims contain substantially the same subject matter as claims 8-10 respectively, and are rejected with the same rational.

Conclusion


36. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent</u>	<u>Date</u>	<u>Inventor</u>
• US-6,185,535 B1	02-2001	Hedin et al.
• US-6,314,402 B1	11-2001	Monaco et al.
• US-6,476,833 B1	11-2002	Moshfeghi, Mehran
• US-6,636,831 B1	10-2003	Profit et al.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



STEPHEN S. HONG
PRIMARY EXAMINER

Gregory Vaughn
December 5, 2003